

Ordinance No. 2011-01

**AN ORDINANCE TO AMEND SECTION 118-988
OF THE CODE OF ORDINANCES FOR THE VILLAGE OF UNION GROVE
PERTAINING TO FENCES, WALLS AND HEDGES**

The Village Board of the Village of Union Grove, Racine County, Wisconsin, ordains as follows:

1. That Section 118-988 of the Code of Ordinances for the Village of Union Grove be, and hereby is, created to read as follows:

“118-988 FENCES, WALLS AND HEDGES.

(1) DEFINITION.

- (a) Fence. A fence is an artificial structure of posts and boards, wire, pickets, panels, rails or similar materials used as an enclosure or serving as a barrier. For the purpose of this ordinance, the sections below addressing vision clearance requirements shall also apply to vegetation, including without limitation, hedges, bushes and trees.

(2) PERMIT.

- (a) No fence shall be constructed in the Village without first obtaining a permit from the Building Inspector. The application for such permit shall be on a form prescribed by the Village and shall be accompanied by a survey or site plan, in a form approved by the Building Inspector, showing the lot and the proposed location of the fence.
- (b) A permit fee in an amount as established by and as may be modified from time to time by resolution of the Village Board of the Village of Union Grove shall be paid at the time of the filing of the application for a permit hereunder.
- (c) A permit issued pursuant to this chapter shall be valid and permit construction of the fence for a period of one (1) year from date of issuance. If the fence is not completed within such period, a new permit shall be required.
- (d) The Village Building Inspector or his/her representative shall have a right to enter upon the premises to inspect the fence and its construction to ensure compliance with the permit and the provisions of this chapter.

- (f) As a condition of receiving a permit under this section, the owner agrees to defend, indemnify and hold the Village of Union Grove harmless from and against all claims, including boundary disputes, for injury or damage received or sustained by any person or entity in connection with the installation or construction of a permitted fence.

(3) DESIGN.

(a) Height.

1. Residential properties.

- a. A fence within the front yard or in the street side yard of a corner lot may not exceed three and one-half (3½) feet in height, must be located at least one (1) foot from the street yard lot line, and may not exceed any vision clearance requirements established by any applicable ordinance. Corner lot side yard fences may be increased in height to a maximum of six (6) feet, but must be set back a minimum of ten (10) feet from the lot line, unless otherwise approved by the plan commission.
- b. A fence within a rear or side yard may not exceed six (6) feet in height and may not exceed any vision clearance requirements established by any applicable ordinance.
- c. A supporting fence post that is set into the ground may exceed the heights specified above by six (6) inches.
- d. Fences shall not exceed two and one-half (2½) feet in height when located within a vision clearance triangle unless approved by plan commission. For the purpose of this subsection, the height of fences, walls and hedges shall be measured from the elevation at the intersection of the street centerlines or the inside sidewalk lines, whichever is higher.
- e. In no event shall any provision of this chapter be construed to permit a spite fence in violation of Section 844.10, Wisconsin Statutes.

2. Non-residential properties.

- a. A fence within the front yard or in the street side yard of a corner lot may not exceed three and one-half (3½) feet in height, must be

located at least one (1) foot from the street yard lot line, and may not exceed any visual clearance requirements established by any applicable ordinance. Corner lot side yard fences may be increased in height to a maximum of six (6) feet, but must be set back a minimum of ten (10) feet from the lot line, unless otherwise approved by the plan commission.

- b. A fence within a rear or side yard may not exceed any vision clearance requirements established by any applicable ordinance , and may not exceed six (6) feet in height, unless approved by the plan commission. .
- c. A supporting fence post that is set into the ground may exceed the heights specified above by six (6) inches.
- d. Fences shall not exceed two and one-half (2½) feet in height when located within a vision clearance triangle unless approved by plan commission. For the purpose of this subsection, the height of fences, walls and hedges shall be measured from the elevation at the intersection of the street centerlines or the inside sidewalk lines, whichever is higher.
- e. In no event shall any provision of this chapter be construed to permit a spite fence in violation of Section 844.10, Wisconsin Statutes.

(b) Prohibited Materials.

- 1. No person shall construct or cause to be constructed, in whole or in part, a fence with barbed wire, creosote-covered materials, electrified wire (except for underground dog containment electrical fences), or other injurious materials within a residentially zoned district.
- 2. No person shall construct or cause to be constructed, in whole or in part, a fence with barbed wire, creosote-covered materials or electrified wire (except for underground dog containment electrical fences) or other injurious materials in a non-residential district unless so provided in a Conditional Use Permit/Site Plan Review under the applicable zoning ordinance.

(c) Maintenance. Every fence shall be maintained in a condition of reasonable repair and not be allowed to become or remain in a condition of disrepair

including noticeable leaning, missing sections, broken supports, non-uniform heights, and non-removal of noxious weeds or similar vegetation.

(d) Aesthetics.

1. The “good”, finished side of a fence shall face toward the adjoining property and toward the public road right-of-way. Fence posts shall be placed on the inner side of the fence. Metal fence posts shall be set in concrete bases. Fences may be located on the lot line.
2. The Building Inspector shall determine which side of a fence is the “good”, finished side and shall provide property owners with his/her determination upon request. The Building Inspector may require the property owner to provide sufficient evidence to make said determination. The determination of the Building Inspector may be appealed to the Plan Commission, whose determination shall be final.

(e) Location.

1. A fence may not be located within a public drainage easement or within a public right-of-way unless authorized elsewhere in this chapter.
2. A fence may be located within the setbacks established by applicable zoning ordinances for street, side, rear, and shore yards , unless otherwise prohibited or restricted herein or unless prohibited or restricted by a Conditional Use Permit/Site Plan Review or variance.
3. Fences abutting alleys shall be set back a minimum of two and one-half (2 1/2) feet from the lot line extending along the alley.
4. CLEAR VISION AREA FOR CORNER LOTS. Notwithstanding the foregoing provisions, to provide adequate vision clearance for persons using the public highways, no fence, screening, structure, bush, tree, branches or mound shall be erected, grown, placed or maintained on a corner lot in the Village which shall obstruct the vision between 2 and ½ (2 ½) feet above the curb level or, if none, the street grade at the location, within a triangle formed by the intersecting street lines and a line connecting such street lines from points 15’ from the intersection of the street lines.
5. Retaining Walls that exceed twelve (12) inches in height above grade shall be located a minimum of five (5) feet from all lot lines unless

otherwise approved by the plan commission. Retaining wall submittals shall include drainage and landscaping plans.

(3) GENERAL PROVISIONS.

- (a) Fences located within a public right-of-way shall not be permitted and shall be removed.
- (a) A fence currently located within a public drainage easement in the Village of Union Grove shall be permitted to remain unless in the opinion of the Building Inspector the fence is determined to obstruct the purpose for which the easement was obtained or the maintenance of the easement, including underground lines. The determination of the Building Inspector as to the existence of an obstruction may be appealed as set forth below.
- (c) The Building Inspector may order any fence located within the Village of Union Grove contrary to the provisions of this chapter to be removed, repaired or otherwise corrected, as the case may be. Such notice shall be in writing and delivered to the last known owner of the property where the fence is located, either delivered in person or by certified mail addressed to the last known address of the owner, directing the work or action which is required to be taken. The work or action shall be completed within thirty (30) days after receipt of the notice in the case of personal delivery or after the mailing of the notice in the case of mailing. Upon written request of the Owner, and for good cause shown, the Village Board may extend the time for compliance with the Order provided the Owner waives any appeal rights set forth below.
- (d) Any person shall have a right to request a review of the determination of the Building Inspector by filing a request for review in accordance with Chapter 68 of the Wisconsin Statutes. Failure to comply with the notice of required action shall permit the Village of Union Grove to enter upon the premises and complete such action. Any cost to the Village of Union Grove shall be charged as a special charge against the property as provided in Wis. Stat. Section 66.0627.
- (e) Fences existing in any residential district prior to the effective date of this chapter which do not meet the regulations of this chapter are permitted to be repaired for ordinary maintenance, including painting, staining, and cleaning. No permit shall be required for such work.
- (f) As an exception to any notice requirements set forth above, the Building Inspector and/or Director of Public Works may order the emergency removal

of a fence, or a portion thereof, where there is an immediate danger to persons or property, or a significant maintenance concern.

- (g) Temporary fences such as construction security fences are permitted provided they are at least one (1) foot from the street, side and rear yard lot line unless a revised setback is otherwise approved by the Building Inspector and/or Director of Public Works and shall not exceed 180 days in any calendar year unless specifically approved by the Plan Commission.”

2. That this ordinance shall take effect upon adoption and publication as provided by law.

Adopted this 10th day of January, 2011.

VILLAGE OF UNION GROVE

By: _____ /s/
Michael Aimone
Village President

Attest: _____ /s/
Janice Winget, WCPC, CMTW
Village Clerk/Treasurer

Introduced: 12/13/2010
First Reading: 01/10/2011
Second Reading: Rules Suspended
Third Reading: Rules Suspended
Published: 01/14/2011